

**CLEAN VERSION OF REWRITTEN, ADDED, AND/OR CANCELLED**

**CLAIMS PURSUANT TO 37 C.F.R. §1.121 (c)(1)(i)**

**IN THE CLAIMS:**

Please amend the following claims:

---

AI

9. (New) The method of Claim 1 wherein said safe and effective amount of conjugated linoleic acid is about 0.1 grams to 20 grams.

---

**Status of the Application**

Claims 1-3, 7 and 9 are pending in the present application. Claim 9 has been amended. This claim has been amended without acquiescing to Examiner's arguments, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG)<sup>1</sup>, and without waiving the right to prosecute the unamended (or similar) claims in another application. The amendment made to Claim 8 is not intended to narrow the scope of the Claim within the meaning of *Festo*<sup>2</sup>.

The following rejections are at issue and are set forth by number in the order in which they are addressed:

- 1) Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite; and
- 2) Claims 1-3, 7 and 9 are rejected under 35 U.S.C. §103(a), as allegedly obvious over Langer and Udall.

Applicants believe that the present amendments and the following remarks traverse the Examiner's rejection of the claims.

**1. The Indefiniteness Rejection is Improper**

Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

*What?  
a response  
was  
provided.  
See O. A.* Applicants traversed this rejection in their previous Amendment and Response. However, the Examiner apparently failed to consider these arguments as the Examiner did not provide a response to Applicants' arguments. Nevertheless, for business reasons and in order to further the prosecution of Claim 9, and without acquiescing to the Examiner's reasoning, Applicants have amended Claim 9 to recite 0.1 grams.

---

<sup>1</sup> 65 Fed. Reg. 54603 (September 8, 2000).

<sup>2</sup> *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. 2000).